

Appl. No.: 10/631,907
Amdt. dated March 31, 2005
Reply to Office action of January 12, 2005

REMARKS/ARGUMENTS

In the Office Action dated January 12, 2005, Claims 19-21 and 30-34 are pending, of which only Claim 19 is independent. Claims 19-21 and 30-32 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,638,381 to Keener, et al. In addition, all of the pending claims are rejected under 35 U.S.C. § 103(a) as being unpatentable over EP 1 162 283 to Forrest in view of Keener, et al. Claim 32 is canceled above.

Applicant submits that Keener, et al. cannot properly be asserted as prior art to the present application. In particular, the present application was filed as a divisional application of U.S. Application Serial No. 10/145,342, which was filed May 14, 2002. Thus, the effective filing date for the present application is also May 14, 2002. Keener, et al., on the other hand, issued October 28, 2003, i.e., after the present application was filed. Accordingly, Keener, et al. is not prior art per 35 U.S.C. § 102(b). Further, Keener, et al. was filed on December 18, 2001. Applicant is submitting herewith a Declaration by the inventors of the present invention asserting that, on or before October 23, 2001, the inventors reduced to practice the invention described and claimed in the present application. Evidentiary attachments are included with the Declaration, including the results of tests of specimens prepared according to the present invention, photographs of the same specimens, and an invention disclosure that was prepared prior to October 23, 2001.

Forrest, et al. does not describe a rivet and therefore does not anticipate or render the claims obvious.

In light of the Declaration, Applicant respectfully requests that the rejections based on Keener, et al. and Keener, et al. in combination with Forrest be withdrawn.

Accordingly, Applicant submits that Claims 19-21, 30-31, and 33-34 are allowable.

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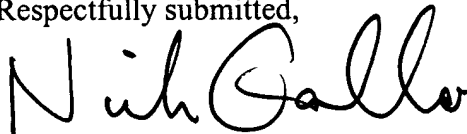
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CONCLUSIONS

In view of the remarks presented above, Applicant submits that Claims 19-21, 30-31, and 33-34 are allowable and the present application is in condition for allowance. As such, the issuance of a Notice of Allowance is therefore respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicant's undersigned attorney in order to resolve any remaining issues.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

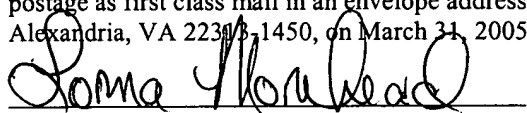


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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22303-1450, on March 31, 2005.


Lorna Morehead